

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,
Plaintiff

No. 06-162 MMC

v.

**ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL (DOCKET # 827)**

SEOUL SEMICONDUCTOR, LTD., et al.,
Defendants

Before the Court is plaintiff's "Administrative Motion to File Under Seal Plaintiff Nichia Corporation's Confidential Exhibits A and B to the Declaration of Michael J. Song in Support of Plaintiff's Motion in Limine No. 15 to Preclude Defendants Seoul Semiconductor, Ltd.'s and Seoul Semiconductor, Inc.'s Use of and Reliance on Documents Produced Ten Days Before Trial," filed October 15, 2007.

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civil L.R. 79-5(d). "Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." Id. "If the designating party does not file its responsive declaration as required by this subsection, the document or

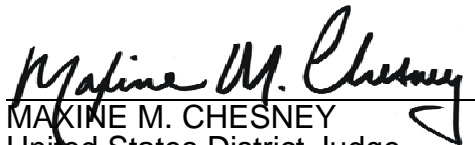
1 proposed filing will be made part of the public record.” Id.

2 Here, the assertedly designating parties, defendants, have not filed a responsive
3 declaration within the time provided under Civil Local Rule 79-5(d).

4 Accordingly, the administrative motion is hereby DENIED, and the Clerk is
5 DIRECTED to file in the public record the “Confidential Exhibits A & B to the Declaration of
6 Michael J. Song in Support of Plaintiff’s Motion in Limine No. 15 to Preclude Defendants
7 Seoul Semiconductor, Ltd.’s and Seoul Semiconductor, Inc.’s Use of and Reliance on
8 Documents Produced Ten Days Before Trial.”

9 **IT IS SO ORDERED.**

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11 Dated: October 23, 2007


MAXINE M. CHESNEY
United States District Judge